

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)	
)	
Petition of Representative Keith R. McCall and)	
Members of the Northeast Delegation of the)	
Pennsylvania House of Representatives)	
Requesting that Additional Authority be Delegated)	
to the Pennsylvania Public Utility Commission to)	
Implement Number Conservation Measures)	NDS File No. L-01-113
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of)	
1996)	

**COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)¹ hereby submits its comments on the petition filed by Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives (“Petitioners”) requesting that the Pennsylvania Public Utility Commission (“PA PUC”)² be granted additional delegated authority to implement number conservation measures.

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures*, CC Docket No. 99-200 (June 7, 2001) (“Pennsylvania Petition”).

I. INTRODUCTION

The Petitioners have filed a Petition with the Commission seeking a greater role for the PA PUC in the area of number conservation and area code relief than the Commission prescribed in the recent *Second Report and Order* for number resource optimization.³

Although the *Second Report and Order* permits states to continue to request additional authority to implement various number conservation methods, the *Second Report and Order* also prescribes a national framework for numbering and limits the authority that states can now exercise over numbering administration. The *Second Report and Order* provides that the states must still fulfill the critical role of providing timely and non-discriminatory area code relief.⁴ Thus, CTIA opposes the aspects of the petition which (1) request authority over numbering administration that is now reserved for national implementation; or, (2) would be unduly burdensome on an interim basis. Furthermore, the Petitioners request for authority to require non-LNP capable carriers to participate in pooling conflicts with the Commission's present rules and would frustrate the purpose of the Commission's thousand-block pooling mandate.⁵

³ *In re Numbering Resource Optimization*, CC Docket No. 99-200, *Second Report and Order* (rel. Dec. 29, 2000) ("*Second Report and Order*"). See also *In re Numbering Resource Optimization*, CC Docket No. 99-200, FCC No. 00-104, *Report and Order and Further Notice of Proposed Rulemaking* (rel. March 31, 2000) ("*Numbering Resource Optimization Order*" or "*NRO Order*").

⁴ See *Second Report and Order* at ¶¶ 8, 58. See also *NRO Order* at ¶¶ 9, 120.

⁵ See *NRO Order* at ¶¶ 129-40.

CTIA strongly believes that conservation measures must be developed at the national level.⁶ The alternative to the adoption of nationwide numbering conservation solutions is a “patchwork” of individualized, local measures that would subject carriers to inconsistent state numbering administration regimes and impermissibly compromise the Commission’s exclusive jurisdiction over the North American Numbering Plan for the United States. The Commission has stated that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications services.⁷ The lack of uniformity also could hamper industry efforts to forecast and plan properly for exhaust of the North American Numbering Plan.⁸

II. THE PETITIONERS’ REQUESTS WERE ADDRESSED BY THE NRO ORDER

Specifically, the Petitioners request additional authority to institute thousands-block number pooling.⁹ Additionally, the Petitioners request a waiver of the Commission’s Rules which would allow the PA PUC to require non-LNP-capable

⁶ Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, *Memorandum Opinion and Order on Reconsideration*, 13 FCC Rcd. 19009 at ¶¶ 21, 27, 30 (1998) (“*Pennsylvania Numbering Order*”).

⁷ *Ameritech Order* at ¶ 13. *Pennsylvania Numbering Order* at ¶ 21.

⁸ *Pennsylvania Numbering Order* at ¶ 21.

⁹ *Public Notice*, “Common Carrier Bureau Seeks Comment on the Petitions of Representative Keith R. McCall and other Pennsylvania State Representatives and the Louisiana Public Service Commission Requesting Delegated Authority to Implement Number Conservation Measures and Common Carrier Bureau Declines to Address the Remaining Requests of the Georgia Public Service Commission, the Kentucky Public Service Commission and the Louisiana Public Service Commission for Delegated Authority to Implement Number Conservation Measures,” CC Docket No. 96-98, 99-200, DA 01-2174 (rel. Oct. 9, 2001).

carriers to participate in pooling in more than one MSA. Most of the Petitioners' requests were addressed and decided in the *NRO Order*.

The FCC has established national number assignment standards that empower the North American Numbering Plan Administrator (NANPA) to withhold numbering resources and to verify the need for an initial code or growth codes. Moreover, the FCC determined what evidence is necessary for obtaining initial or growth numbering resources. The Commission adopted a flexible requirement for sequential number assignment in the *NRO Order*, which allows carriers to assign all available numbers from an opened thousands-block before opening another thousands-block, unless the available numbers are insufficient to meet a customer's request. Given the FCC's decision that states must have conformed all aspects of their pooling trials with Federal requirements by April 8, 2001, there is no need to make further grants of interim authority to states to merely follow Federal requirements established by the *NRO Order*. Furthermore, the national pooling schedule will commence in March 2002 and NPAs are already being placed in the national pooling rollout schedule.¹⁰ In fact, three NPAs in the Philadelphia MSA are scheduled for pooling in the first six months of the rollout plan.¹¹ Moreover,

¹⁰ See *Federal Communications Commission's Common Carrier Bureau Selects NeuStar, Inc. as National Thousands-Block Number Pooling Administrator*, Press Release (rel. June 18, 2001).

¹¹ See *Public Notice*, Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule, CC Docket No. 99-200 (rel. Oct. 17, 2001) at Detailed Rollout Plan, Second Quarter (215/267/445 NPAs are scheduled for the second quarter).

state commissions established state pooling trials with notice that their interim pooling authority would be superseded by national standards.¹²

III. THE PETITIONERS' WAIVER REQUEST CONTRAVENES THE COMMISSION'S THOUSANDS-BLOCK NUMBER POOLING POLICY

The Petitioners' request on behalf of the PA PUC for additional authority to require non-LNP-capable carriers to participate in pooling is in direct contravention of the Commission's long-standing rule that "only those carriers that have implemented LNP capability shall be subject to pooling."¹³ The Commission's pooling mandate is premised upon the fact that the deployment of number portability technology is a necessary precondition for implementing number pooling. Granting the Petitioners' request would frustrate the very purpose of thousands-block number pooling since number portability is what enables a thousand-number block to be assigned to a carrier from an NXX separate from the original code holder.¹⁴ Wireless participation in thousands-block pooling demands that wireless carriers complete network buildout and make technical upgrades for LNP to preserve nationwide roaming. The ability to support nationwide roaming requires that all wireless carriers, even those outside major markets, configure their networks to support number portability, regardless of whether there is consumer demand for LNP among customers in their home markets. Thus, unless all wireless carriers have completed the necessary network upgrades, the benefits of roaming will not be realized.¹⁵ Moreover, the separation of the Mobile Identification Number

¹² *Second Report and Order* at ¶46.

¹³ *Id.* at ¶171.

¹⁴ *See id.* at ¶136.

¹⁵ *See Memorandum Opinion & Order* FCC 99-19 at ¶41 (rel. Feb 9, 1999)

(MIN) and the Mobile Directory Number (MDN), which is critical for wireless LNP, will not occur nationwide until November 24, 2002. Non-LNP-capable CMRS providers will be unable to implement pooling since they are dependent upon the existence of LNP infrastructure, which “will require significant reprogramming of roaming software and databases.”¹⁶ In addition, the implementation of pooling requires additional and separate technical requirements that cannot be minimized or ignored. The Commission should avoid subjecting carriers to unnecessary and “substantial effort and expense” that it previously determined to be unjustified.¹⁷

The additional demands of pooling coupled with LNP implementation would impose unacceptable risks to the integrity of CMRS networks. Clearly, the risks to network reliability identified by all carriers warrant a cautious approach. Until the Commission is sure that wireless number portability works as a technical matter, further burdening the network with *ad hoc* pooling obligations must be avoided. Any serious consideration of the Petitioners’ proposal, which has few, if any, perceived benefits,¹⁸ jeopardizes the implementation of number pooling. Moreover, the FCC expressly exempted non-LNP capable carriers from premature pooling requirements to avoid “divert[ing] them from other important tasks, such as implementing the Commission’s requirements concerning CALEA, 911, and LNP itself.”¹⁹

¹⁶ See *id.* at ¶136 n. 310.

¹⁷ *Id.* at ¶137.

¹⁸ By requiring non-LNP-capable carriers to donate 1000-blocks to LNP-capable carriers, as soon as a carrier fills its initial block, it will require another full code.

¹⁹ *Id.* at ¶137.

Finally, the Petitioners' request is untenable since the Commission stated that "a state commission does not have the authority to require LNP capability solely for the purpose of being able to participate in pooling."²⁰ In its Petition, Pennsylvania fails to demonstrate any reason for the Commission to deviate from FCC policy. Accordingly, CTIA strongly urges the Commission to deny the Pennsylvania Petition.

IV. STATES SHOULD ENGAGE IN RATE CENTER CONSOLIDATION WHERE POSSIBLE

The states and the FCC have supported thousands block number pooling. However, the complement to pooling is rate center consolidation. In a recent order, the Commission recognized the sound numbering policy advantages favoring rate center consolidation.²¹ The Commission noted that consolidating smaller rate centers to form larger geographic calling areas is "an attractive numbering resource optimization measure because it enables carriers to use fewer NXX codes and thousands-blocks to provide service throughout a region, thereby reducing the demand for NXX codes and thousands-blocks, improving number utilization, and prolonging the life of an area code."²² In accordance with the Commission's directive to state commissions, the PA PUC should "proceed as expeditiously as possible to consolidate rate centers."²³

V. CONCLUSION

There is no impediment preventing the states from using the tools available to them – area code splits, non-service specific overlays, and rate center consolidation – to

²⁰ See *id.* at ¶170.

²¹ See *In re Numbering Resource Optimization*, CC Docket No. 99-200, *Order* (rel. March 14, 2001) at ¶ 9.

²² *Id.*

provide carriers with the numbering resources they need to fulfill the Congressional mandate of a competitive communications marketplace.

Pennsylvania and the other states which have petitioned the FCC for greater authority over the administration and assignment of numbering resources understandably are concerned about code exhaust in their jurisdiction. However, code exhaust is only one element of efficient number utilization. The most efficient utilization of the nation's numbering resources is the FCC's national approach which assigns to the states an important role and seeks to address the efficient use of both NPA's as well as NXX codes for *all* states and *all* consumers. Moreover, the selection of the national pooling administrator and the establishment of the national pooling rollout underscores the importance of this national approach.

Respectfully submitted,

**Cellular Telecommunications &
Internet Association**

1250 Connecticut Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 785-0081

/s/

Sarah E. Leeper
Staff Counsel

Michael F. Altschul
Senior Vice President, General
Counsel

October 23, 2001